



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/774,019

02/06/2004

John Ray Apple

WELL0031

7923

22862 7590 02/19/2008

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER

HARRIS, DEXTER L

ART UNIT

PAPER NUMBER

4137

MAIL DATE

DELIVERY MODE

02/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/774,019	Applicant(s) APPLE ET AL.	
	Examiner DEXTER HARRIS	Art Unit 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/23/2008</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Status of Claims

1. Claims 1-17 have been examined.

Information Disclosure Statement

2. The information disclosure statement filed February 6, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the IDS fails to include the correct title of the application/invention and the publication data of all non-patent publications. The submitted IDS contains as title: "Personalized gaming and Demographic Collection Method and Apparatus" whereas the title on the application is "Sales and Service Offer Method and Apparatus." Applicant needs to correct the title identified on the IDS.
3. Examiner notes that MPEP 609 states that each publication must be identified by publisher, author (if any), title, relevant pages of the publication and date and place of publication. Further, the date of publication supplied must include at least the month and year of publication, except that the year of publication (with the month) will be accepted if the applicant points out in the IDS that the year of publication is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not an issue. Submissions Item #s: x, y, z, EE HH, II, LL, MM and NN fail to meet the meet the publication data provision.

4. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant needs to provide either a publication date or a statement indicating that the submitted references constitute prior art, for the references to be considered.
5. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Drawings

6. The drawings are objected to as failing to comply with 37 CFR 1.84 (l), (p),(t), and (r). Examiner notes that for:
7. Figure 1: (a) the numeric designator (3) is stated in the specification but does not appear in the drawing, (b) the action identifiers comprised of a number inside of a circle are too small, illegible and will not generate an adequate reproduction for publication and (d) the title of the drawing should appear at the top center of the drawing.
8. Figure 2: (a) the text within the blocks and the block designators are too small, illegible and will not generate an adequate reproduction for publication and (b) the title of the drawing should appear at the top center of the drawing.

9. Figure 3: the title of the drawing should appear at the top center of the drawing.
10. Figure 4: (a) the designators 41 and 42 are discussed in the specification but do not appear in the drawing, (b) due to the contrast /shading, the buttons and the text on the buttons are illegible and will not generate an adequate reproduction and (c) the title of the drawing should appear at the top center of the drawing.
11. Figure 5: (a) designators 51 and 52 are discussed in the specification but do not appear in the drawing, (b) due to the contrast /shading, the text and fields on the screenshot are illegible and will not generate an adequate reproduction for publication and (c) the title of the drawing should appear at the top center of the drawing.
12. Figures 6, 7 and 8: (a) Due to the contrast /shading, the text and fields on the screenshot are illegible and will not generate an adequate reproduction for publication and (b) the title of the drawing should appear at the top center of the drawing.
13. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 3 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Shooster (U.S. 6188,762 B1 hereinafter “Shooster”).

16. With respect to Claim 3, Shooster informs the public of a sales and service method comprising of:

- identifying a customer during a customer phone call (ANI as discussed at (column 2, lines 65 – column 3, line 10) and
- passing a URL (URL as discussed at column 3, lines 15-23) linked to a sales/service offer (a customer service action (column 1, line 14) provided for in an improved call center (column 3, line 24 - 26)), along with said customer phone call, to a sales/service agent in a call center (column 3, line 33 - 37).

17. Specifically, Shooster calls for "... specific DNIS, ANI and Destination DN components related to the originating telephone number and telephone number dialed" to be passed through the public telephone network to identified call center computer telephony integration (CTI) and telephony components including but not limited to the call center PBX, data links, network server, mainframe and agent workstation (column 2, lines 65 – column 3, line 10).
18. Similarly, Shooster discloses the ability to pass a URL corresponding to the call to a web browser, which in turn navigates through interconnecting computer, telephony devices and databases causing a particular website to automatically POP on the workstation screen (Column 3, lines 15-23) of the "new and improved call center" (column 3, line 24-26) based agents conducting customer contact functions, such as customer service, order entry, reservations, dispatch, telemarketing and other common applications (column 1, line 11-15) upon receipt of the call.
19. Regarding Claim 7, Shooster teaches the apparatus for presenting targeted sales offers and or customer service to customers, comprising of:
- means for identifying a customer during a service related customer phone call (column 2, lines 65 – column 3, line 10);
 - means for passing a URL (URL as discussed at column 3, lines 15-23) linked to said sales offers and/or customer service (a customer service action (column 1, line 14) provided for in an improved call center (column

3, line 24 - 26)), along with said customer phone call, to a sales/service agent in a call center (column 3, line 33 - 37) and

- means for alerting said call center agent to said sales offers and/or customer service via a call center desktop application during said customer call (Column 3, lines 34-36)

20. With respect to the limitation "means for alerting said call center agent to said offers and /or customer service...", Shooster discloses an "invention to provide a call center in which data from a local server or computer or from a web site automatically pops on the operators screen upon receipt of the telephone call (Column 3, lines 34-36).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US 2002/0055906 A1), hereinafter "Katz", in view of Coker et al. (US 2003/0070000 A1), hereinafter "Coker" and Shooster.

23. With respect to claim 1, Katz discloses:

- identifying a customer call (via ANI as discussed in paragraph [43] and attaching to a customer inquiry a relevant sales or service offer code (the “identification of upsells” as specified in [055]. Examiner notes the definition of “upsell” provided by Katz in paragraph [0078]).
- and means for said sales/service agent selecting an appropriate disposition code, which is recorded in a database with regard to said sales/service offer status after presenting, said sales/service offer to said customer (as described in paragraph [134] and shown in Fig. 6 , Block 358 and Figure 7, Block 268).

24. Katz does not explicitly recite;

- means for illuminating a sales/service offer icon on a sales/service agent's display in a call center when said sales/service agent is in contact with said customer [paragraph 0083]
- means for calling an associated URL and launching a browser which then displays a description of said sales/service offer and a suggestion script when said sales/service agent clicks on said sales/service offer icon;

25. Coker teaches a “... CTI (computer telephony integration) applications may require toolbar icons that can be altered in response to events, such as blinking a particular toolbar icon when a call is incoming (paragraph [0719]). Coker also teaches icons incorporating web/HTML/URL capabilities which when selected causes browsers to “pop.” (paragraphs [705], [0712], [0714], [0719], [0725].

26. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Katz so as to incorporate blinking icons and URL and web-based technology in order to alert and gain the attention of the agent and to make available the relevant sales/ service information to the agent upon selection of the changing icon by the agent. The rationale for the visually changing alert and the display of information reduces actions/time required by the agent to handle calls there by increasing productivity of the agent and call center.

27. In regards to Claim 2, Katz does not explicitly disclose:

- means for passing a URL associated with an offer along with a phone call to a sales/service agent.

28. As addressed in paragraph 19, Shooster discloses a means for passing a URL (URL as discussed at column 3, lines 15-23) linked to an offers (a customer service action (column 1, line 14) provided for in an improved call center (column 3, line 24 - 26)), along with said customer phone call, to a sales/service agent.

29. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Katz so as include the passing of the URL along with the phone call in order to provide the agent with the necessary data / information to address the caller's need. One of ordinary skill in the art would have been driven to do so by the rationale to improve customer service.

30. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shootser in view of et al. LeMogne (US 2004/0041841 A1), hereinafter "LeMogne.

31. Regarding Claim 4, Shooster does not explicitly recite

- illuminating a sales/service offer icon on a sales/service agent's display in said call center when said sales/service agent is in contact with said customer.

32. "LeMogne" teaches an icon may change color, flash or blink to indicate an incoming message or alternatively to alert the agent (paragraph [0036]). Although LeMogne's paragraph [0036] specifically references an agent handling a chat session, LeMogne also provides an example of the same agent using the same embodiment handling a telephone call in paragraph [0033].

33. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Shooster so as include illuminating an icon upon receipt of a call. One of ordinary skill in the art would have been motivated to incorporate the feature to in order to, as poignantly indicated by LeMogne [0036], alert the agent of the incoming customer contact and thereby giving the agent the opportunity to prepare for the call.

34. Similarly in Claim 5, Shooster does not explicitly disclose

- calling said URL and launching a browser which then displays a description of said sales/service offer and a suggestion script when said sales/service agent clicks on said sales/service offer.

35. LeMogne teaches “By interfacing to icons in the batches by mouse over, in this example, information such as, for example an extension, can be popped up ...” (paragraph [0042]). Not only does LeMogne provide for the customization of information, to include such items as related to sales or service, LeMogne also provides for this information to be presented “In response to an event, perhaps a request for data, a WIN32 operation **806** is called and executed and subsequently a browser **808** is launched and used for the purpose of accessing data through a Web interface.” (paragraph [0055]).
36. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Shooster to include the ability for the agent to call a specifically associated URL thereby launching a browser containing relevant sales/service information and a potential script to be used by clicking on the alert-providing icon. The rationale for modification would be to provide the agent with more control of the timing of information display which facilitates a more natural flow of conversation thereby improving the customer’s experience.
37. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shooster in view of Katz.
38. Shooster does not explicitly recite:
- said sales/service agent selecting an appropriate disposition code, which is recorded in a database with regard to said sales/service offer status after presenting, said sales/service offer to said customer.

39. Katz discloses in paragraphs [134,135] and Blocks 358 and 268 in Figures 6 and 7 respectively the method of categorizing and retaining the results of the offer or interaction in a database.

40. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the convention of Shooster with Katz so as to incorporate the caller's response to the offer in a database. The rationale for storing the results is to provide additional information that can be used to improve the next interaction with the same customer.

41. Claims 8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeMogne, in view of Shooster and Katz.

42. LeMogne discloses

- when a call center agent desktop receives said CTI data, said OfferID acting as a trigger causing an offer icon on said desktop to illuminate (paragraph [0033,0036]).;
- when said call center agent clicks on said offer icon, said desktop opening a browser and calling said URL which was previously passed as CTI data (paragraph [0055]).; and
- displaying a sales script (paragraph [0055]).

43. LeMogne does not explicitly disclose

- attaching a URL and OfferID to a customer voice call as computer telephony integration (CTI) data

- displaying a...set of disposition codes on said desktop
44. Shooster teaches attaching a URL ((URL as discussed at column 3, lines 15-23) linked to said sales offers and/or customer service (a customer service action (column 1, line 14) provided for in an improved call center (column 3, line 24 - 26)).
45. Shooster also teaches attaching an OfferID to a voice call as CTI data. DNIS, ANI, Destination DN (discussed at column 2, line 56 – column 3, line 23) associated with each incoming call are used as OfferIDs because they are used as identifiers for specific web pages containing offers and scripts. Furthermore, Examiner understands CTI data as having the meaning given to it by a person of ordinary skill in the art as data or information that is generated, processed, used, manipulated or transported by CTI software or apparatus normally associated with the operation of call/communication centers. Consequently, the “DNIS component” and “data in a look-up table” (column 3 line 11) are CTI data.
46. Katz teaches displaying a...set of disposition codes on said desktop (as described in paragraph [134] and shown in Fig. 6, Block 358 and Figure 7, Block 268 and Fig 8, Items 276 and 284. Fig. 8, Item 284, a selectable key or icon on an agent's display for designating an order when selected is denotes a result / disposition that are used to update databases.
47. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of LeMogne with Shooster and Katz provide the information needed by the agent to conduct a knowledgeable conversation with the caller and then to record the results of interaction. The rationale for providing the

needed information in a timely manner and for storing the results are to increase the effectiveness of the agents ability to sale to or service the customer (thereby increasing the call centers productivity and profitability) and to provide additional information that can be used to improve the next interaction with the same customer and to provide data to the call center's management which will allow them to measure the operational success.

48. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeMogne in view of Katz.

49. LeMogne does not explicitly recite

- wherein customer and/or account specific information or scripts are presented to said call center agent via said desktop after learning of a critical service failure impacting a customer.

50. Katz discloses that a customized response could be identified and offered upon knowing a defective product needs repair (paragraph [0042]).

51. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of LeMogne with Katz so as provide the ability for the telemarketing agent to know and respond appropriately to adverse conditions affecting the customer. The rationale for providing the agent with information about the negative impact and possible remedies is to quickly resolve identified customer problems for the sake of retaining this customer for current and future revenue streams.

52. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatenable over LeMogne and Shooster.

53. LeMogne does not explicitly recite

- attaching pieces of data to an agent initiated database query, where such pieces of data are gathered either directly by customer entered digits (CED's) or following a database lookup based upon CED's.

54. Shooster states that additional parameters may be 'appended' to URLS so that specific information can be retrieved as a result of telephone number (customer entered digits) dialed by the customer (column 4, line 60 – column 5, line 4).

55. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of LeMogne with Shooster so as to provide more caller specific information to the agent. A rationale for implementing the modification would be as Shooster noted in column 5, lines 2-4, would be to minimize "... the length of the telephone call and increasing the call center and operator productivity."

56. Claim 11 is rejected as it has been held that data (such as the "data are organized as key value pairs " in Claim 11), stored in memory wherein the data is not functionally related to the memory cannot differentiate the claim from the prior art. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir.1983). Therefore the data cited in Shooster (column 4, line 60 – column 5, line 4) is sufficient in terms

of prior art.

57. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeMogne in view of Katz.

58. LeMogne does not explicitly recite

- calling a stored procedure using a customer account number and SSN, wherein said stored procedure performs a database lookup using said account number and SSN as input arguments.

59. Katz teaches an upsell method whereby customer number and social security (paragraph [0102]) may be used to identify the customer as part of the first step of his invention: the primary transaction phase. In the second phase, the item selection phase (paragraph [0110-0112], Katz discusses using the data (social security number, customer number, telephone, etc.) collected in the primary phase as potential inputs to gather additional information by automatically accessing databases which are then used to determine products or services to offer the customer. A system for performing the inventor's step is described in paragraph [0136] and depicted in Figures 3 and 7.

60. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of LeMogne with Katz so as to provide information that is caller specific. A rationale for implementing the modification would reduce the time needed by the agent to find and select only the information that is relevant to the caller at hand thereby increasing the effectiveness and productivity of the agent.

61. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeMogne in view of Shooster.

62. LeMogne does not explicitly recite

- when matching on an SSN, attaching a sales offer code and sales offer URL to a response as key value pairs.
- when matching on an account number, attaching a service offer code and service offer URL to a response as key value pairs.

63. Shooster, teaches that a DNIS (column 2, line 55 - column 3, line 23) attached to call is paired with a specific URL which identifies a specific website page. As such, the DNIS is in effect a code and depending upon the specific website to which it is paired, the DNIS as a 'code' can be either a sales code or service code.

64. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of LeMogne with Shooster so as to provide information that is caller specific. A rationale for implementing the modification would reduce the time needed by the agent to find and select only the information that is relevant to the caller at hand thereby reducing the length of the call and thusly decreasing the call center's operating costs.

65. Claim 15 is unpatenable over LeMogne in view of Shooster.

66. LeMogne teaches

- when an offer code and URL are present, illuminating said offer icon and/or a service offer icon (paragraph [0033, 0036]).

67. Lemogne does not explicitly recite

- interrogating a string of key value pairs

68. Shooster teaches that if the CTI application software determines if the passed DNIS information corresponds to a website, the URL is passed to the agent's workstation (column 3, lines 15 – 23). Examiner notes that the act of determining if the DNIS corresponds to a particular website is an 'interrogation' of the received data.

69. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of LeMogne with Shooster so as to alert the agent of an incoming call and the subject matter of the call. Rationale for the modification includes capturing the attention of and improving the focus of the agent thereby increasing the likelihood the discussion between the caller and agent begins in a timely manner and produces a satisfactorily result for both parties

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dexter Harris whose telephone number is (571) 270-5296. The examiner can normally be reached on Monday - Thursday (7:30 AM - 5:30 PM).

Art Unit: 4137

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on (571)272-6709. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)?

/DEXTER HARRIS/
Examiner, Art Unit 4137

/Calvin L Hewitt II/
Supervisory Patent Examiner, Art Unit 4137